

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DATATREASURY CORPORATION,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 2:06-CV-72-DF
v.	§	
	§	JURY TRIAL DEMANDED
WELLS FARGO & COMPANY, et al.	§	
	§	
Defendants.	§	

**AGREED MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PRODUCE  
DOCUMENTS PURSUANT TO PATENT L.R. 3-4(a) BY DEFENDANTS FIRST  
CITIZENS BANCSHARES, INC; FIRST-CITIZENS BANK & TRUST COMPANY;  
HSBC BANK USA, N.A.; HSBC NORTH AMERICA HOLDINGS, INC.; U.S.  
BANCORP; U.S. BANK, NATIONAL ASSOCIATION; NATIONAL CITY  
CORPORATION; AND NATIONAL CITY BANK**

Plaintiff DataTreasury Corporation and Defendants First Citizens BancShares, Inc.; First-Citizens Bank & Trust Company; HSBC Bank USA, N.A.; HSBC North America Holdings, Inc.; U.S. Bancorp; U.S. Bank, National Association; National City Corporation; and National City Bank (collectively "Movants") submit this Agreed Motion for Enlargement of Time to Produce Documents Pursuant to Patent L.R. 3-4(a).<sup>1</sup> Movants have requested, and Plaintiff has agreed to an extension of Movants' date to produce documents pursuant to Patent L.R. 3-4(a) up to and including **March 28, 2007**. A proposed Order granting this agreed motion is attached for the Court's convenience.

---

<sup>1</sup> Defendants First Citizens Bancshares, Inc. and HSBC North America Holdings, Inc. file this motion subject to their respective pending motions to dismiss.

Dated: February 26, 2007.

Respectfully submitted,

By: /s/ Larry D. Carlson  
Larry D. Carlson, Attorney-in-Charge  
Texas State Bar No. 03814500  
E-Mail: larry.carlson@bakerbotts.com  
Fernando Rodriguez, Jr.  
Texas State Bar No. 24005048  
E-Mail: fernando.rodriguez@bakerbotts.com  
David O. Taylor  
Texas State Bar No. 24042010  
E-Mail: david.taylor@bakerbotts.com  
BAKER BOTTS L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201  
Telephone: (214) 953-6500  
Facsimile: (214) 953-6503

Donald J. Eglinton  
E-Mail: dje@wardandsmith.com  
WARD AND SMITH, P.A.  
Post Office Box 867  
New Bern, North Carolina 28563  
Telephone: (252) 672-5456  
Facsimile: (252) 672-5477

ATTORNEYS FOR DEFENDANTS FIRST-CITIZENS BANK & TRUST COMPANY AND FIRST CITIZENS BANCSHARES, INC.

By: /s/ Anthony H. Son  
Melvin R. Wilcox, III  
mrw@smeadlaw.com  
Smead, Anderson & Dunn LLP  
2110 Horseshoe Ln  
PO Box 3343  
Longview, Texas 75606  
Telephone: (903) 232-1892  
Facsimile: (903) 232-1881

John J. Feldhaus  
jfeldhaus@foley.com  
Anthony H. Son  
ason@foley.com  
George Beck  
gbeck@foley.com  
FOLEY & LARDNER LLP  
3000 K Street, N.W.  
Washington, D.C. 2007  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

Jeremy M. Thompson  
jmthompson@foley.com  
FOLEY & LARDNER LLP  
111 N. Orange Ave., Ste. 1800  
Orlando, FL 32801  
Telephone: (407) 423-7656  
Facsimile: (407) 648-1743

ATTORNEYS FOR DEFENDANTS U.S.  
BANCORP; U.S. BANK NATIONAL  
ASSOCIATION; NATIONAL CITY  
CORPORATION; AND NATIONAL CITY BANK

By: /s/ Glen M. Boudreaux  
Glen M. Boudreaux  
State Bar No. 02696500  
Lead Attorney for HSBC Bank USA, N.A. and  
HSBC North America Holdings, Inc.  
Boudreaux, Leonard, Hammond & Curcio, P.C.  
Two Houston Center  
909 Fannin, Suite 2350  
Houston, Texas 77010  
Tel: (713) 757-0000  
Fax: (713) 757-0178  
gboudreaux@blhc-law.com

Of Counsel:

Boudreax , Leonard, Hammond & Curcio, P.C.  
Tim S. Leonard  
State Bar No. 12211200  
909 Fannin, Suite 2350  
Houston, Texas 77010  
Tel. (713) 757-0000  
Fax (713) 757-0178  
Email: [tleonard@blhc-law.com](mailto:tleonard@blhc-law.com)

Wilmer Hale  
John M. Hintz  
Irah H. Donner  
Amr O. Aly  
399 Park Avenue  
New York, New York 10022  
Tel: (212) 230-8800  
Fax: (212) 230-8888  
[Irah.donner@wilmerhale.com](mailto:Irah.donner@wilmerhale.com)

Locke Lidell  
Roy Hardin  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201  
Tel.: (214) 740-8556  
Fax: (214) 740-8800  
[rhardin@lockelidell.com](mailto:rhardin@lockelidell.com)

Law Offices of Richard Grainger  
Richard Grainger  
118 West Houston Street  
Tyler, Texas 75710  
Tel.: (903) 595-3514  
Fax: (903) 595-5360  
[graingerpc@aol.com](mailto:graingerpc@aol.com)

ATTORNEYS FOR HSBC BANK USA, N.A.  
AND HSBC NORTH AMERICA HOLDINGS,  
INC.

By: /s/ Ed Chin

Nicole Reed  
State Bar No. 24041759  
Rod Cooper  
State Bar No. 90001628  
Edward Hohn,  
Attorney-in-Charge  
State Bar No. 09813240  
Ed Chin  
State Bar No. 50511688  
Nix Patterson & Roach, L.L.P.  
5215 N. O'Connor Blvd., Ste 1900  
Irving, Texas 75039  
972.831.1188; 972.444.0716 fax  
[nicolereed@nixlawfirm.com](mailto:nicolereed@nixlawfirm.com)  
[rodcooper@nixlawfirm.com](mailto:rodcooper@nixlawfirm.com)  
[edhohn@nixlawfirm.com](mailto:edhohn@nixlawfirm.com)  
[edchin@nixlawfirm.com](mailto:edchin@nixlawfirm.com)

C. Cary Patterson  
State Bar No. 15587000  
Brady Paddock  
State Bar No. 00791394  
Anthony Bruster  
State Bar No. 24036280  
R. Benjamin King  
State Bar No. 24048592  
Nix Patterson & Roach L.L.P.  
2900 St. Michael Drive, Suite 500  
Texarkana, Texas 75503  
903.223.3999; 903.223.8520 fax  
[ccp@nixlawfirm.com](mailto:ccp@nixlawfirm.com)  
[akbruster@nixlawfirm.com](mailto:akbruster@nixlawfirm.com)  
[bpaddock@nixlawfirm.com](mailto:bpaddock@nixlawfirm.com)  
[benking@nixlawfirm.com](mailto:benking@nixlawfirm.com)

Joe Kendall  
State Bar No. 11260700  
Karl Rupp  
State Bar No. 24035243  
PROVOST \* UMPHRY, L.L.P.  
3232 McKinney Avenue, Ste 700  
Dallas, Texas 75204  
214.744.3000; 214.744.3015 fax  
[jkendall@provostumphrey.com](mailto:jkendall@provostumphrey.com)  
[krupp@provostumphrey.com](mailto:krupp@provostumphrey.com)

Eric M. Albritton  
State Bar No. 00790215  
Albritton Law Firm  
P.O.Box 2649  
Longview, Texas 75606  
903.757.8449; 903.758.7397 fax  
ema@emafirm.com

T. John Ward, Jr.  
State Bar No. 00794818  
Law Office of T. John Ward, Jr.  
P.O. Box 1231  
Longview, Texas 75601  
903.757.6400; 903.757.2323 fax  
jw@jwfirm.com

ATTORNEYS FOR PLAINTIFF  
DATATREASURY CORPORATION

**CERTIFICATE OF CONFERENCE**

I certify that (1) on February 23, 2007, I conferred via email with Plaintiff's counsel regarding the above Motion for Enlargement of Time, and they indicated that they do not oppose this Motion and the relief it requests, and (2) on February 26, 2007, a copy of this motion was emailed to Plaintiff's counsel. The parties agreed on the motion and the relief it requests.

/s/ Larry D. Carlson  
Larry D. Carlson

**CERTIFICATE OF SERVICE**

I certify that on February 26, 2007, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.

/s/ Larry D. Carlson  
Larry D. Carlson